BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

JOHNNY D. DAVIS Claimant VS. THE BOEING COWICHITA Respondent AND	Docket No. 198,881
AMERICAN MANUFACTURERS MUTUAL INSURANCE CO. Insurance Carrier AND	
WORKERS COMPENSATION FUND	

ORDER

The Kansas Workers Compensation Fund appeals from an Order entered by Administrative Law Judge Nelsonna Potts Barnes dated August 17, 1995. The Appeals Board heard oral arguments on January 18, 1996.

APPEARANCES

Respondent and its insurance carrier appeared by Vaughn Burkholder of Wichita, Kansas. The Kansas Workers Compensation Fund appeared by its attorney, Steven L. Foulston of Wichita, Kansas.

ISSUES

The Kansas Workers Compensation Fund argues that the Administrative Law Judge erred in refusing to dismiss the Fund.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Appeals Board finds it does not have jurisdiction to review the issue raised on appeal and the Order by the Administrative Law Judge should remain in full force and effect.

IT IS SO ORDERED

This claim involves an alleged date of accident after July 1, 1994. Kansas Workers Compensation Fund has filed a Motion to Dismiss, arguing that the Fund has no liability for re-injury to a handicapped employee which occurs after July 1, 1994. The Administrative Law Judge denied the Fund's Motion and this appeal followed.

For the reasons stated in <u>Thurma J. Jones v. Continental Can Company</u>, Docket No. 162,828 (July 14, 1994), the Appeals Board finds it does not have jurisdiction to consider this issue at this point in the proceedings.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Nelsonna Potts Barnes dated August 17, 1995 should and does remain in full force and effect as entered.

II IO OO ORDERED.	
Dated this day of Janua	ary 1996.
ВС	OARD MEMBER
ВС	OARD MEMBER
BO	OARD MEMBER

c: Vaughn Burkholder, Wichita, Kansas Steven L. Foulston, Wichita, Kansas Nelsonna Potts Barnes, Administrative Law Judge Philip S. Harness, Director